

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:97-cr-76

v.

HON. JANET T. NEFF

JUWELL DARNELL CASTLEBERRY,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Juwell Darnell Castleberry has filed a motion for modification or reduction of sentence (Dkt 614) pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

However, the defendant is not entitled to relief on the facts of his case. The base offense level was determined by the Career Offender enhancement of § 4B1.1 of the U.S.S.G. as confirmed by this Court's review of the sentencing documents relevant to defendant's case; therefore, the retroactive guideline dealing with crack amounts does not result in a lower guideline range. See *United States v. Perdue*, 572 F.3d 288, 292 (6th Cir. 2009).

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 614) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: March 19, 2012

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge